

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 1. Departmental Administrative Procedures

Chapter 13. Risk Evaluation/Corrective Action Program

§1305. Applicability

A. – B. ...

C. This Chapter shall not apply to unauthorized discharges that:

1. current spills that:

1-a. do not require notification under LAC 33:I.Chapter 39;

2-b. are remediated within as soon as practicable, but not more than 30 days, after the discharger becomes aware learning of the discharge; and

3-c. are remediated in a manner that will ensure protection of human health and the environment;

2. spills that create emergency conditions, as defined in LAC 33:I.3905, but do not exceed a reportable quantity, provided conditions specified in Subparagraphs C.1.b-c of this Section are met;

3. spills solely to air; and

4. current spills over the reportable quantity that require notification under LAC 33:I.Chapter 39, that are remediated promptly in a manner protective of human health and the environment, provided that:

a. the spill is remediated as soon as practicable, but not more than 30 days, after learning of the discharge;

b. notification is made in accordance with LAC 33:I.Chapter 39; and

c. the written report required by LAC 33:I.Chapter 39, or a subsequent follow-up report, documents that the material has been removed to a level that will ensure protection of human health and the environment.

i. Such documentation may include confirmatory sampling, use of organic vapor monitoring devices or, where appropriate (such as where the spill is of a dark material and/or is very small), visual confirmation.

ii. Upon review of the reported cleanup documentation, the department may require a complete RECAP evaluation if the department determines that the actions taken do not adequately ensure protection of human health and the environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2272.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:2244 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1264 (June 2000), LR 29:**.

§1307. Adoption by Reference

A. The document entitled, “Louisiana Department of Environmental Quality Risk Evaluation/Corrective Action Program (RECAP),” dated ~~June 20, 2000~~ **[Final Promulgation Date to be entered October 20, 2003]**, is hereby adopted and incorporated herein in its entirety. The RECAP document is available for purchase or inspection from 8 a.m. until 4:30 p.m., Monday through Friday, from the department’s Office of Environmental Assessment, Environmental Planning Division. For RECAP document availability at other locations, contact the department’s Environmental Planning Division. The RECAP document may also be reviewed on the Internet at www.deq.state.la.us.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2272.1.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:2244 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1264 (June 2000), LR 26:2441 (November 2000), LR 29:**.